

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DELAWARE MARKETING PARTNERS,  
LLC, a Delaware limited liability company,

Plaintiff

CA No.: 04-263

v.

JUDGE McLAUGHLIN AND  
MAGISTRATE JUDGE  
SUSAN PARADISE BAXTER

CREDITRON FINANCIAL SERVICES,  
INC, a Pennsylvania corporation, and,  
TELATRON MARKETING GROUP,  
INC., a Pennsylvania corporation,

TRIAL BY JURY DEMANDED

**Electronically Filed**

Defendants

**MOTION TO STRIKE BRIEF IN OPPOSITION AND TO DISMISS COUNTERCLAIM**

AND NOW, comes Delaware Marketing Partners, LLC, by and through its attorneys,  
Dickie, McCamey & Chilcote, P.C., and files the following Motion to Strike Brief in Opposition  
and Motion Dismiss Counterclaim as follows:

1. On September 22, 2006 Defendants, Creditron Financial Services, Inc. and  
Telatron Marketing Group, Inc., filed a Counterclaim alleging various causes of action and  
seeking damages.
2. On October 6, 2006 Delaware Marketing Partners filed a Motion to Dismiss the  
Counterclaim.
3. On October 11, 2006, this Court entered an Order that any response to the Motion  
to Dismiss Counterclaim was due by October 26, 2006 and that any Reply Brief to the Response  
was due by November 7, 2006. Creditron/Telatron filed their Brief in Opposition to Delaware

Marketing Partners' Motion to Dismiss at 5:03 PM on November 6, 2006, 11 days beyond the deadline set forth by this Court's Order.

4. Creditron's/Telatron's failure to follow this Court's Order and file a timely Response contesting Delaware Marketing Partners' Motion to Dismiss requires dismissal of the Counterclaim. In addition, due to Creditron/Telatron filing its pleading 11 days late on November 6, 2006, Delaware Marketing Partners cannot file a response to Creditron's/Telatron's document by the November 7, 2006 deadline established by the Court.

WHEREFORE, Delaware Marketing Partners respectfully requests that this Honorable Court enter an Order dismissing Creditron's/Telatron's Counterclaim in this matter.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true and correct copies of the foregoing **MOTION TO STRIKE BRIEF IN OPPOSITION AND TO DISMISS COUNTERCLAIM** has been served this 7<sup>th</sup> day of November, 2006, through the Court's electronic delivery system to the following counsel:

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